



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.46	Subject: EMPLOYEE MEAL BREAKS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 2
Section 3: Human Resource Bureau	Effective Date: Dec. 28, 2006
Signature: /s/ Mike Ferriter, Director	Revision Date:

I. POLICY

The Department of Corrections facility administrators will establish procedures to compensate employee meal breaks as regulated by federal and state labor laws and based on the facility's specific staffing patterns, operational needs, and security requirements.

II. APPLICABILITY

Secure facility staff not covered by a collective bargaining agreement.

III. REFERENCES

A. *DOC Policy 1.3.1(A), Personnel Manual*

IV. DEFINITIONS

Facility Administrator – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

V. DEPARTMENT DIRECTIVES

A. General Provisions

1. The Department recognizes that its secure facilities have unique environments and operational needs.
2. Facility administrators will:
 - a. establish procedures to address employee meal period compensation;
 - b. ensure procedures comply with the provisions of this policy; and
 - c. review procedures for adherence to federal and state labor laws.

B. Eligibility

1. Applicable staff are eligible for a 30 minute paid meal period regardless of established work schedules, i.e., eight, ten, or twelve hour shifts.
2. Administrators, wardens, superintendents, and deputy wardens are not eligible to receive a paid meal period.

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C. Requirements and Restrictions

1. Employees must remain onsite at the facility during the meal period. An employee who leaves the facility for training, meetings, or any other personal business reason is not eligible for the paid meal period and must take appropriate accrued leave, or work additional time beyond the allowed 30 minute meal period, to offset this time.
2. While on a meal break, employees must be available to respond to either routine or emergency facility business needs.
3. Employees may be required to provide security duties while taking their meal break.
4. Supervisors will schedule employee meal breaks to ensure employee and facility needs are met and will not schedule meal periods to allow employees to leave their shifts early.
5. Employees will be allowed to periodically interrupt their regular duties during a shift to attend to personal needs such as restroom breaks, accessing vending machines, and obtaining beverages, but are not entitled to two fifteen minute “rest/coffee breaks” on shift.
6. Supervisors will monitor and control employee breaks.

D. Alternative Meal Break Periods

1. Employees who wish to extend their meal break period to participate in health, wellness, or other activities located at the facility must receive approval from their immediate supervisors.
2. Alternative meal breaks may be taken up to 1.5 hours in length.
3. Employees must take appropriate accrued leave or work additional time beyond the allowed 30 minute meal period to offset this additional time, provided this work activity occurs at the facility location.

VI. CLOSING

Questions concerning this policy should be directed to a member of the Department’s Human Resource Bureau.